

REMARKS

Submitted herewith is a supplemental declaration executed by the applicants of this application and claiming the benefit of priority under 35 U.S.C. §120 of prior filed and copending patent application Serial No. 09/080,322, now U.S. Patent No. 6,400,836. Applicants are entitled to the benefit of the filing date of the earlier filed application for the subject matter commonly disclosed. MPEP 201.11 sets out the conditions for receiving the benefit of the earlier filing date under 35 U.S.C. §120 as the following:

(A) The second application must be an application for a patent for an invention which is also disclosed in the first application. The present application meets this requirement.

✓(B) The second application must be copending with the first application. This application was filed during the pendency of the first application.

✓(C) The second application must contain a specific reference to the prior application in the specification. This application as filed contained a reference to the prior application on page 1, lines 6 and 7. The title of the application as filed is "*Improvements to a Combined Fingerprint Acquisition and Control Device*" – the classic definition of a continuation-in-part application.

? (D) The second application must be filed by an inventor or inventors named in the previously filed application. The inventor of the previously filed application is Andrew Senior who is a named inventor of this continuation-in-part application.

(E) For utility applications filed on or after November 29, 2000, benefit of claims under 35 U.S.C. §120 must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. This application was filed prior to November 29, 2000, and therefore this condition does not apply.

(F) For utility applications that are filed on or after November 29, 2000, and which claim benefit of a provisional application which was filed in a language

other than English, an English language translation of the non-English language provisional application and a statement that the translation is accurate must be filed with the benefit claim and within the required time period. This condition is not applicable to this application.

This amendment further amends the specification at page 1 to identify this application as a continuation-in-part of application Serial No. 09/080,322 on which U.S. Patent No. 6,400,836 issued.

Claims 1 to 27 remain in the application.

Claims 1 to 27 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,400,836 to Senior. In view of the claim of priority under 35 U.S.C. §120 as made in the supplemental declaration filed herewith, the rejection is believed to be overcome.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 27 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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